

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
CENTRAL DIVISION (WORCESTER)**

**MICHAEL DAWE**  
**Plaintiff,**

**V.**

**CAPITAL ONE BANK**  
**Defendant.**

**CASE NO. 04-40192 FDS**

**JOINT STATEMENT UNDER LOCAL RULE 16.1(D)**

Pursuant to Local Rule 16.1 (D) and the Court's Notice of Scheduling Conference, the parties hereby submit the following joint statement.

**1. Discovery**

- a. Timing: the parties are in general agreement that discovery be sequenced as follows:
  - i. Automatic Disclosure by April 25, 2005;
  - ii. All fact discovery, including depositions, but not including expert witness discovery, to be completed on or before September 25, 2005;
  - iii. Experts designated with disclosure of information in accordance with Fed. R. Civ. P. 26 (a) (2) by September 25, 2005.
  - iv. Rebuttal experts designated by October 25, 2005
  - v. Expert depositions completed by December 25, 2005.
  - vi. Requests for Admissions to be served at anytime up to 45 days before trial and answered within 30 days of service.
- b. The parties believe that phased discovery is not necessary in this case.

**2. Motions**

Motions for summary judgment, if any, are to be served and filed by January 25, 2006; opposition briefs by February 25, 2006.

3. **Settlement.**

Plaintiff made a demand for settlement in a letter to the Defendant dated August 26, 2004. In a letter dated September 21, 2004, Defendant offered to waive a substantial portion of Plaintiff's delinquent credit card debt. Plaintiff rejected this offer.

4. **Trial by Magistrate Judge.**

- a. Pursuant to Local Rule 16.1(B)(3), the parties have considered whether they will consent to trial by a Magistrate Judge.
- b. There is not unanimous consent to trial by a Magistrate Judge.

5. **Alternative Dispute Resolution**

- a. The parties have considered the options for alternative dispute resolution programs set forth in Local Rule 16.4.
- b. The parties do not at this time agree to any form of alternative dispute resolution.

6. **Certification Under Local Rule 16.1(D)(3).**

Certifications under Local Rule 16.1(D)(3) will be submitted prior to the conference.

For the PLAINTIFF,

For the DEFENDANT,

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